

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 11 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

SEDA ISAYAN,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75692

Agency No. A79-574-957

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 5, 2005^{**}

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Seda Isayan, a native and citizen of Armenia, petitions for review of the Board of Immigration Appeals' ("BIA") order denying her motion to reconsider the BIA's earlier order denying her motion to reopen removal proceedings to seek

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

adjustment of status. We dismiss the petition for review.

Isayan's sole contention before this court is that the BIA abused its discretion by not extending its holding in *Matter of Velarde*, 23 I. & N. Dec. 253 (BIA 2002), to the facts of her case. Isayan did not raise this argument before the BIA and we therefore lack jurisdiction to consider it. *See* 8 U.S.C. § 1252(d)(1) (requiring exhaustion).

PETITION FOR REVIEW DISMISSED.